



## OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

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### ISSUE

Describe the eligibility criteria under the Open Space and Watershed Land Acquisition Grant Program, the process for obtaining funding, and the maximum grant amounts available by law.

### SUMMARY

The Open Space and Watershed Land Acquisition Grant Program is a competitive grant program administered by the Department of Energy and Environmental Protection (DEEP). The program helps:

1. municipalities and nonprofit land conservation organizations acquire land or permanent interests in it for open space and watershed protection,
2. water companies to acquire land that protects drinking water supplies (Class I and Class II water supply property), and
3. distressed municipalities and targeted investment communities restore or protect open space land they already own ([CGS §§ 7-131d to 7-131k](#)).

The law establishes land eligibility criteria and future land use restrictions for land acquired with grant proceeds. Additionally, all land acquired through the program is preserved in perpetuity and must have a conservation easement in favor of the state or its designee. Generally, the easement must require that the property be open to the public for passive recreational use.

DEEP recently announced that a new round of grant funding is available. It is accepting [applications](#) from municipalities, nonprofit land conservation organizations, and water companies until February 2, 2017.

According to its [website](#), DEEP will award grants “to projects that offer the highest conservation and recreational value and that leverage the greatest percentage of private and municipal funding.” DEEP asks that applications be endorsed by the local planning, zoning, conservation, or open space commissions and include recommendations of the appropriate regional planning agency. This endorsement, which may be written correspondence from the committee of cognizance, shows that the municipality supports the preservation and the preservation is in conformance with a local or regional plan. DEEP will give preference to land available for acquisition within a 12-month period.

Applications will be evaluated by a review team consisting of staff from various resource management divisions of DEEP, the Department of Public Health, and the Department of Agriculture. Grant decisions are based on the review team’s scores and comments in addition to considerations allowed under the law (see below). DEEP will announce grant recipients in the fall of 2017, assuming the funding remains available.

## **PROGRAM CRITERIA**

### ***Eligible Land***

By law, applicants may receive grants from DEEP through the Open Space and Watershed Land Acquisition Grant Program to acquire land that is:

1. valuable for recreation, forestry, fishing, or conservation of wildlife or natural resources;
2. a prime natural feature of the state’s landscape, such as a shoreline or ridgeline;
3. habitat for native plant or animal species listed as threatened, endangered, or of special concern;
4. a relatively undisturbed outstanding example of an uncommon native ecological community;
5. important for enhancing and conserving the water quality of lakes, rivers, and coastal water;
6. valuable for preserving local agricultural heritage; or
7. eligible to be classified as Class I or Class II water company land ([CGS § 7-131d\(b\)](#)).

### ***Additional Considerations***

When deciding on grant recipients, the law requires DEEP to give consideration to other factors as well, including the following:

1. protection of land adjacent and complementary to existing open space or Class I or Class II water company land;
2. proximity to urban areas or areas with open space deficiencies and underserved populations;
3. vulnerability of land to development;
4. stewardship needs and management constraints;
5. compatibility with the State Plan of Conservation and Development and other state environmental objectives; and
6. preservation of forest land and bodies of water that naturally absorb significant amounts of carbon dioxide ([CGS § 7-131e\(a\)](#)).

### ***Land Use Prohibitions***

The law restricts how program grants may be used. Grants may not be used for:

1. acquiring land for commercial or recreational purposes requiring intensive development, such as golf courses, driving ranges, tennis courts, ballfields, swimming pools, or motorized vehicle use (but pathways for pedestrians or non-motorized vehicles are allowed);
2. acquiring land with environmental contamination over a significant portion, unless the remediation is complete before acquisition and the land use is not restricted for environmental reasons;
3. protecting land that is already committed for public use;
4. paying for development costs for facilities, such as ballfields, tennis courts, parking lots, or roadways;
5. acquiring land by eminent domain; or
6. reimbursing in-kind services or incidental expenses related to land acquisition ([CGS § 7-131d\(c\)](#)).

These restrictions do not prohibit (1) continuing agricultural activities on the land, (2) water company activities for public water supply purposes, or (3) approved timber management activities so long as any timber proceeds are used to manage the land.

## **Conservation Easement**

The law requires that land acquired under the program be preserved in perpetuity (1) predominantly in its natural scenic and open condition, (2) for the protection of natural resources while allowing for recreation consistent with that protection, and (3) for water companies to protect or provide potable water ([CGS § 7-131d\(a\)](#)).

Under the program, when closing on property, a permanent conservation easement must be provided to the state or its designee to ensure that the property remains in a natural and open condition for the conservation, open space, or water supply purpose for which it was acquired. The easement must require that the property be made available to the general public for appropriate recreational purposes. The public recreational access requirement does not apply to Class I or Class II water company land if it would compromise pure drinking water for the public. And the DEEP commissioner may waive the requirement if recreational access would be detrimental to the habitat or disruptive to agricultural activity ([CGS § 7-131d\(e\)](#)).

## **GRANT AMOUNTS**

The law caps the maximum grant amounts DEEP may award, which vary by type of applicant. Grants approved are generally based on the fair market value of the land to be protected, as determined by one or more appraisals, excluding incidental expenses (e.g., surveying, development, or closing costs) ([CGS § 7-131g](#)).

Grants may not exceed the amounts shown in Table 1.

**Table 1: Maximum Grant Awards by Type of Recipient**

<i><b>Grant Recipient</b></i>	<i><b>Purpose of Grant</b></i>	<i><b>Maximum Grant Amount</b></i>
Municipality	Open space	65% of fair market value
Municipality	Class I & Class II water supply property	65% of fair market value
Distressed municipality or targeted investment community	Open space	75% of fair market value
Distressed municipality or targeted investment community	Resource restoration, enhancement, or protection	50% of the cost of the work
Nonprofit land conservation organization	Open space or watershed protection	65% of fair market value
Nonprofit land conservation organization (if land is in a distressed municipality or targeted investment community)	Open space or watershed protection	75% of fair market value
Water company	Class I & Class II water supply property	65% of fair market value

According to DEEP, the funding amount varies by project and is based on numerous factors, including the quality of the project (e.g., conservation, recreational, and water resources protected); the number and quality of other grant applications; and the availability of DEEP resources.

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